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BRIEF DEVELOPMENTS IN FOREIGN LAW

Canada

The Prime Minister of Canada has recommended a new federal structure aimed at stalling the separationist movement in French-speaking Quebec. The package, called "Shaping Canada's Future Together," has been described as the most comprehensive constitutional overhaul since the nation's birth in 1867. Essentially, the plan grants Quebec constitutional recognition as a "distinct society" because of its French language, culture, and civil law. The plan has important legal implications. First, the country's economic ties would be dramatically altered. Then, interprovincial trade barriers would be canceled and a new federal-provincial Council of the Federation would be created to solve economic disputes between the various provinces and the Federal Government. The plan also includes (1) a "Canada Clause" of the Constitution declaring what it means to be a Canadian; (2) self-government within 10 years for the Indian and Eskimo peoples of Canada; and (3) new restrictions on the existing power of provincial governments to override the charter of rights.

South Africa

The Population Regulation Act, first enacted in 1950, became one of the pillars of Apartheid. Once classified by race at birth, one's future was to a large extent preordained. The laws were framed to keep races rigidly separated. In June of 1991, however, the South African Parliament voted to repeal the Population Regulation Act. Although the laws have been revoked, Apartheid has become so deeply entrenched in South African Society that breaking down its separations in every day life will be a difficult task. Those already classified by race will remain so until a new nonracial constitution becomes law.

India

In an attempt to foster industrial investment, the government of India has reduced licensing requirements and other procedural formalities. The new policy is intended to (1) improve industrial export competitiveness, (2) increase access to foreign technology, and (3) encourage investment in rural and agricultural industries. The policy allows automatic clearance for investment projects with foreign equity participation of 40 percent. No prior clearance will be needed for technology imports, provided the royalty payments are not more than 5 percent of domestic sales and 8 percent of export sales. Government approval is needed if a lump sum royalty payment is made.

Indonesia

The Supreme Court of Indonesia has issued a set of regulations to facilitate the enforcement of foreign judgments and arbitral awards. Foreign judgments qualify for direct enforcement in Indonesia provided that (1) the award was granted by an arbitrator or arbitration body in a state party to the 1958 New York Convention, or a state having a bilateral treaty with Indonesia; (2) the award arises out of a commercial dispute; (3) the award is not contrary to Indonesia's *Ordre Public*.

Czechoslovakia

The Parliament has passed a new law under which the Ministry of Interior will establish a screening commission to check on the histories of tens of thousands of people throughout the state sector. Those found to have worked in any of several key capacities for the former communist establishment will be dismissed. The law applies only to people currently holding administrative positions and does not extend to elected officials.